

The abnormal cans, amounting to 2 cases, were destroyed, and the remaining 127 cases (129 cases of corn were actually seized) were released.

18525. Adulteration of dried black-eyed peas. U. S. v. 26 Bags, etc. (F. D. C. No. 32153. Sample No. 37546-L.)

LIBEL FILED: November 21, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about June 20, 1951, from Enid, Okla.

PRODUCT: 216 100-pound bags of dried black-eyed peas at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 18, 1952. The Johnston Seed Co., Enid, Okla., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured for use as fertilizer, under the supervision of the Food and Drug Administration.

18526. Misbranding of canned sweetpotatoes. U. S. v. 62 Cases * * *. (F. D. C. No. 32601. Sample No. 7237-L.)

LIBEL FILED: January 17, 1952, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 20, 1951, by John N. Wright, Jr., from Federalsburg, Md.

PRODUCT: 62 cases, each containing 24 1-pound, 2-ounce cans, of sweetpotatoes at Windber, Pa.

LABEL, IN PART: "Wright's Vacuum Pack Whole Sweet Potatoes."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Whole," together with a vignette depicting a plate of whole sweetpotatoes, was false and misleading since the product resembled mashed sweet potatoes; and, Section 403 (d), the container was so filled as to be misleading. (The product occupied approximately two-thirds of the can.)

DISPOSITION: March 12, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

18527. Adulteration of pickles. U. S. v. 1,097 Cases, etc. (F. D. C. No. 31987. Sample Nos. 25658-L, 25659-L.)

LIBEL FILED: December 17, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 13, 1951, by the Garden City Pickle Co., from Ripon, Wis.

PRODUCT: 1,097 cases, each containing 12 32-ounce jars, and 398 cases, each containing 24 16-ounce jars, of pickles at Philadelphia, Pa.

LABEL, IN PART: (Jar) "The Original Harvest Brand Ma Goldsmith's Own Recipe Kosher Pickles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed pickles.

DISPOSITION: February 7, 1952. The Garden City Pickle Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and

destruction of the unfit portion, under the supervision of the Federal Security Agency. A total of 158 cases, each containing 12 32-ounce jars, and 24 cases, each containing 24 16-ounce jars, were segregated as unfit and were destroyed.

TOMATOES AND TOMATO PRODUCTS

18528. Adulteration of canned tomatoes. U. S. v. 343 Cases * * *. (F. D. C. No. 31870. Sample No. 29267-L.)

LIBEL FILED: October 9, 1951, District of Idaho.

ALLEGED SHIPMENT: On or about September 11, 1951, from Clearfield, Utah.

PRODUCT: 343 cases, each containing 24 1-pound, 12-ounce cans, of tomatoes at Boise, Idaho.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. Examination disclosed that the product was undergoing progressive decomposition. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 10, 1951. Smith Foods, Inc., claimant, having consented to the entry of a decree, the court ordered that the product be released under bond for the segregation of the unfit portion, under the supervision of the Food and Drug Administration. 242 cases and 13 cans were salvaged, and 21 cases and 8 cans were destroyed. (265 cases were seized.)

18529. Adulteration of canned tomatoes. U. S. v. 304 Cases * * *. (F. D. C. No. 32539. Sample No. 26106-L.)

LIBEL FILED: February 21, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 10, 1951, by Pappas Bros. & Gillies Co., from Egg Harbor, N. J.

PRODUCT: 304 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Philadelphia, Pa.

LABEL, IN PART: "Jersey Pack Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

DISPOSITION: April 2, 1952. Default decree of condemnation and destruction.

18530. Misbranding of canned tomatoes. U. S. v. 400 Cases * * *. (F. D. C. No. 32898. Sample No. 8362-L.)

LIBEL FILED: March 21, 1952, Northern District of New York.

ALLEGED SHIPMENT: On or about September 26, 1951, by Albert W. Sisk & Son, from Preston, Md.

PRODUCT: 400 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Utica, N. Y.

LABEL, IN PART: (Can) "Pine Cone Brand Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned tomatoes because of excessive tomato peel, and its label failed to bear a statement that it was substandard in quality.

DISPOSITION: May 3, 1952. The Caroline Canning Co., Federalsburg, Md., having admitted the allegations of the libel, judgment of condemnation was